

PRESERVED

App. F. IX-4

Previous References.

1943.  
(begin)

leg File No. 42-42  
Serial Nos. 1

Later References.

66

## GENERAL AND REVENUE SECRETARIAT

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Serial Nos.

Part B for March 1943

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### SUBJECT

The Budgetary Memo Act 1943

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To

The Compiler, Mysore Gazette

No R.L. 720 - Leges 42-42-1 dated 15<sup>th</sup> Jan 1943

Orders the publication of the Act as Act No I 2

1943

J. Venkataranappa

4-2-1943

Non-Official Bills - to be introduced at  
the ensuing Session of the R.A

General and Revenue  
Secretariat

RA File No.

of

1941-42

[App. F. III-2]

Serial  
No.

Letter dated 5<sup>th</sup> July 1941, from Mr. A. Mohamed Saib Member, L.C. forwarding a draft bill called 'The Cutchi Clever Act' & requesting that the same may be placed for consideration at the next Session of the R.A. after obtaining approval of the Dewan.

1) Rule 32 of the Mysore Legislative Rules requires that a member, when asking for permission of the Dewan to place the Bill for consideration before the Assembly should submit a copy of the Bill together with a statement of the principles of the Bill and a statement of objects and reasons. The member has appended a note to the Bill which does not sufficiently ~~in~~ indicate whether it is to be taken as the principle of the Bill or a statement of objects and reasons for bringing the proposed measure. The draft bill appears to be therefore defective as it does not satisfy the requirements of Rule 32.

2) For orders if the file may be sent to the Administrative Section (Law Secretariat) for further scrutiny.

For 22.7.41 3) Under rule 32, every non official Bill should be accompanied by the statements of the principles of the Bill and a statement of objects and reasons of the Bill. Only one statement has been sent by the Member and it is not known which of the two statements has been sent.

4) Before submitting the file to the Dewan,

Non. Official Bill 'Cutchi Memorial Act' to be 473/41  
 Placed at the next session of the RA

RA File No.

176  
 of 1940-41

General and Revenue.  
 Secretariat

the opinion of the Law Secretariat may also be perhaps  
 obtained by about the need or expediency of the  
 measure

Ans  
 22.7.41

Law Secy.)

5) 'A' may be done

Law Secy.)

Hm  
 23/7/41  
Ans  
 23/7

3  
 23/7/41

Serial  
 No.

DEWAN'S OFFICE

1180  
 SECY. 583  
 22 JUL 1941  
 GOVT OF INDIA

GENL & REV. SECRETARY  
 23 JUL 1941

6) Law file bearing diary no-201 which contains  
 the Minutes of the Judges of the High Court of Mysore  
 in the matter of introduction of legislation in  
 this behalf is also herewith put up for and the file is  
 submitted for orders regarding para. 4 supra.

Null  
 6/8  
 dm

7) The file below contains the  
 views of the Chief Justice & the  
 Justice of the High Court of Mysore.

The views of the Bill is a Cutchi Memorial  
 & if he represents the views of the Government  
 as a whole, the Bill may be introduced  
 for discussion in the R. A. Session

Law Secretary) 3  
 8/8/41

GOVT. DEPT.  
 31/8/41  
 GOVT OF INDIA

OFFICE OF THE  
 MINISTER FOR LAW  
 AUG 9 1941  
 No 1349

8) The permission may be granted.  
 to introduce the Bill.

9) Minister  
 to Law)

10) Dewan)

Hm  
 28/8/41  
 10-8-41

Null  
 12/8/41

Mr. Secy  
 RA file  
 12/8

Hm  
 12/8/41

3  
 14/8/41  
 13/8/41

General and Revenue  
Secretariat  
R. A. & L. C.

Non Official Bills - Cutchi Memos Bill

File No.

of 194

App. F. III-2

175/12

Serial  
No.

10) This is a Council matter and has also to be submitted  
for the gracious approval of His Highness.

Secy  
R.A.L.C.)

20/8/41

12) This may be disposed of by circulation  
(Devan)

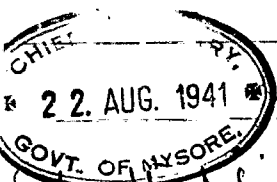
Hm  
20/8/41.

BKR  
18-8-41

13) Hm  
20/8/41

14) For favour of circulation  
(Hm Chief Secy)  
Hm  
20/8/41

20/8/41



Submitted with a  
circulation memo

20/8/41

Signed

23/8

For Disposal by Circulation.

No. C. 160.

of 1941-42

**GENERAL AND REVENUE SECRETARIAT**

**Council Matter.**

Subject

Permission for introducing the Cutchi Men  
the Representative Assembly and the Legislative Council.

*Circulated to the Council of Ministers.*

By Order,

*Musammat*

22nd August 1941.

Chief Secretary to Government.

*987*  
*27.8.41* Minister for Finance and Revenue.

*rel*  
*28.8.41*

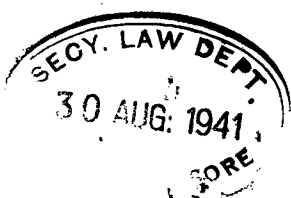
Minister for Law. (Seey)

*1469*  
*28.8.41* Minister for Education.

*ml*  
*29.8.41*

*1217*  
*29.8.41* Minister for Local Self-Government  
and Public Health.

*rel*  
*29.8.41*



Law Secy. with Compliments.

*rel*  
*30.8.41*

*hm*  
*30/8/41*  
*30.8.41*

Non Hindu Work - the Catchy Indian K...

General and Revenue  
Secretariat  
R. A. & L. C.

File No.

of 194

[App. F. III-2]

176/M

DE.

OFFICE

Serial  
No.

SEP. 1941

1919

A. S. N. is submitted.

2005  
1/9/41

Secy.  
R. A. & L. C.)

BKR  
1.9.41

Law Secy.)

~~S. N.~~

S. N. submitted

Dewan)

Hm  
2  
5/9/41

BKR  
6.9.41

NOTE—Contn. Sheet.

## *Submitted to His Highness.*

Mr. A. Mahomed Sait, a member of the Legislative Council, has sought permission under Section 27 of the Government of Mysore Act, to place a non-official Bill (The Cutchi Memons Bill) before the Representative Assembly at its next session.

A resolution was tabled at the Budget session of the Legislative Council in 1941 recommending to Government that a change in the Mahomadan law similar to the one now proposed by Mr. Mahomed Sait might be undertaken by Government. The opinion of the Chief Justice and the Judges of the High Court was obtained thereon. Their opinion was that it was a matter for the Cutchi Memons in Mysore to decide for themselves. Mr. Justice Abdul Ghani suggested that as Mr. Mahomed Sait (who had sent in the resolution) was a Cutchi Memon, the question of undertaking legislation might be favourably considered if he had the backing of other Cutchi Memons in the State (their number being very small).

Now that the member has himself brought forward a Bill in this behalf, it is proposed to grant him the permission asked for and the Ministers agree to the proposal. I solicit the gracious sanction of His Highness to it.

*A Madhava Rao*

Bangalore,

DEWAN.

6th September 1941.

Record of Cases submitted for the Orders of  
His Highness the Maharaja.



Subject.

Grant of permission for introducing  
the Cutchi Memons Bill (a non-official Bill)  
in the Representative Assembly at its next  
session.

Order.

JEN  
8/9/41.

Chief Secy,

MS  
11/9

11/9/41

SUBJECT:—

Grant of permission for introducing the  
cutchi Memos, Bill (a non-official Bill)  
in the R.A. at its next session

(\*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (\*)

*M. M. M. M. M.*  
Chief Secretary to Government.

Through the Secretary to Government,

Law Department.

*H. M.*  
11/9/41

Minister for Finance and Revenue

*19.12.41*

Minister for Law.

*H. M.*  
12/9

Minister for Education.

*H. M.*  
15.9.41

Minister for Local Self-Govt. and Public Health.

*H. M.*

16.9.41

Law Secy. with Compliments

1211  
12.9.41

2458  
12.9.41

1798  
15.9.41

1650  
16.9.41

# Non official Bills - Cutchi memu Bill.

General and Revenue  
Secretariat  
R. A. & L. C.

File No.

of 194

[App. F. III-2]

176

Serial  
No.

15) The permission given by the Government has been accorded and the sanction of the High Court also obtained to place the Bill in the R.A.

16) Please take immediate action in this behalf

Sd/-  
16.9.41

17) This is a non-official Bill and has been included in the Agenda of the meeting session of the R.A. The member proposing the Bill is a member of the Legislative Council and so under rule 33(a) of the Mysore Legislative Rules, Government should place the Bill before the Assembly.

18) It is for order as to whether it is in charge of the Bill in the R.A.

Sd/-  
17.9.41

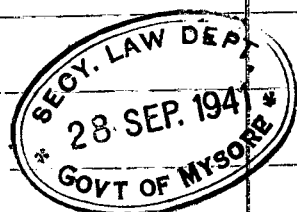
Secy  
(R.A.)

19) The Law Secretary may be in charge

Law Secy)

BKA  
27.9.41

Hm  
2  
28/9/41



passed  
6/10/41

20) The general principles of the Non-official Bill were placed before the Assembly by the Government as required by rule 33 of the Mysore Legislative Rules.

File No.

126  
 Hon. Officer Secy. Cutchi Memos to

of 194

General and Revenue  
 Secretariat  
 R. A. & L. C.

Serial  
 No.

DEVAN'S OFFICE

23 OCT. 1941

NO. 3350

1) The proposed principle was approved by the Assembly in its 11th session.

2) It is now left to the members concerned with the subject to prepare a draft for the Council (sub 35(11)) at the next following session.

3) A draft letter to the members intimating that the Assembly has approved the principle of this Bill is being sent for consideration.

20/10/41

20/10/41

20) For perusal before issue

21) Devan

22/10/41  
 24/10/41

23/10/41

24/10/41

Issue 24/10/41

22) Letter dated 12.11.1941 from Mr. Mohamed Abba Said, Mysore intimating that his intention to move for leave to introduce the Cutchi memos bill at the ensuing session of the L. C.

Non-Official Bills - Cutchi Memos Bill

176/1485

General and Revenue  
Secretariat  
R. A. & L. C.

File No.

of 1941-42

App. F. III-2

Serial  
No.

26

Mr. Mohamed Abba Saib has requested for to place the Cutchi Memos bill on the Table of the House, as he intends giving notice of a motion for leave to introduce the bill at the ensuing session of the L.C. The few principles of the bill have been approved at the last session of the R.A. without any amendments & it is for orders if the bill may be laid on the Table of the L.C. at its ensuing session, with a view to enable the concerned member to take further action in accordance with the rules of procedure in this behalf.

27) Under rule 35(1) of the Mysore Legislation 14.11.1941 Rules, when the principles of a Non Official Bill have been approved by the Assembly, the Bill shall, at the request of the Member be laid by the Govt. on the Table of the L.C. at its next following session. The member has made this request. The procedure set out in 35(1) will therefore be followed.

18/11/41

Law Secy,

28) That the Bill may be laid by the Govt on the table at the next session of the Council under R. 35(1) of L.C. Rules.

Dewan)

18/11/41

18/11/41

18/11/41

24/11/41

24.11.41

DEWAN'S OFFICE

18. NOV. 1941

NO.

4235

NOTE—Contn. Sheet.

MS-

# Non-Official Bill - Cutchi Memorial

176/1485

File No

of 1941-42

General and Revenue  
Secretariat  
R. A. & L. C.

Serial  
No.

29/11/41 approved the notification put up, along with the bill will be got printed & included in the list of business to be forwarded to the members of the L.C.

Dtn 28.11.41 "Laid on the table of the Council

in rule 35 of the Mysore Legislative

26/11/41

Rules appears to mean laid on a

date when the Council is in Session.

Statements<sup>are</sup> laid on the Table in reply to

questions ~~are~~ only on a day when the Council is sitting. As much it appears enough

if the Bill is printed and copies distributed among the members on the opening day of the Council Session (i.e. 15th Dec.)

28.11.41

Law Secy)

copy of the

3) "Laid on the table of the Council" in R. 35 does not mean that the Bill should be placed before the Council on the opening

day. If that had been the intention, the rule would have been differently <sup>framed</sup> ~~worded~~ by the use of the words "place the Bill before the Council" as in R. 33 of the L.C.

Rules.

3/11/41 The copy of the Bill may be printed

A copy of the Bill & so may be sent to them for being set in type & proofs corrected. A copy may also be sent to the Indian Press for printing. The question when the Bill has to be laid on the table will be considered in the meanwhile.

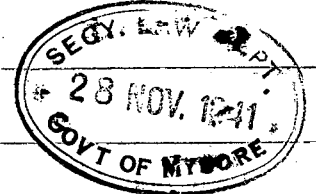
27.11.41

Draft Bill has been sent to the Press for printing

Prop

Dtn 27.11.41

R.A.



General and Revenue  
Secretariat

File No.

of 194

[App. F. III-2

1485

Serial  
No.

among the members.  
and distributed along with the agenda.

IN'S

29. NOV. 1941

NO. 4560

33) Dewan)

Hm

28.11.41

28.11.41

Y/L &

also placed on the  
table of the C

Re

29.11.

Hm

29.11.41

34) Please take action accordingly at once

Hm

Hm

29.11.41

35) As directed above the bill will be got printed  
and sent to the members along  
along with the agenda.

36) It is for orders if the notification put up  
may be issued

Hm

1.12.41.

Bom  
1/12

37) may be approved

Hm

1.12.41.

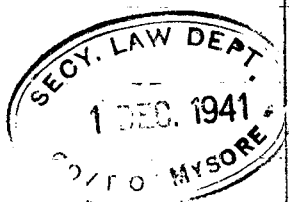
Law Secy)

Hm

Jome

11/12/41

Hm  
11/12/41



Please put up before  
Secretary

10/12/41

As per instructions  
the notification was  
not issued

Hm

38) As ordered above the Cutchi Memon Bill was laid on  
the table by the Law Secretary to Government under the  
provisions of 35(1) of the Legislative Rules at the  
December Session of the L.C. on 15-12-1941. Clause (2)  
of the aforesaid rule states that at any time after the

# Non-Government bills - Cutchi Memon Bill

176/1485

File No.

of 1941-42 General and Revenue Secretariat

Serial No.

bill has been laid on the table any member of the Council may give his notice of his intention to move for leave to introduce the bill.

39) A draft letter to Mr. Mahomed Abba Sait is put up intimating that the Cutchi Memon Bill was laid on the table of the House so that he may under the rule referred to above give notice of his intention to move for leave to introduce the bill at the ensuing session of the L.C.

DB

Done

8/5/42

854

copy of Letter dated 3rd June, 1942, from Mr. M. Abba Sait, Member Legislative Council, intimating his intention to move for leave to introduce the Cutchi Memon Bill at the ensuing session of the L.C.

'Sus B'  
DB

copy of letter dated 16th June, 1942, from Mr. Mahamed Abba Sait requesting permission to make a motion for consideration of the Cutchi Memon Bill & also to make a motion that the bill be passed at the ensuing session of the L.C.

The original letters received from the Member have been separately sent to the President L.C. for orders.

4) In pursuance of letter dated 3rd June 1942

P. U. B. I.

# Non-Official Bill - Catchi Memo Bill

General and Revenue  
Secretariat

File No.

of 1941-42

[App. F. III-2]

Serial  
No.

Mr. Mohammed Saif has been permitted to move for leave to introduce the Catchi Memo Bill & also to introduce the same at the Budget Session of the L.C. & the same has been included in the list of Non-Official Business to be taken up on 13<sup>th</sup> 14<sup>th</sup> July 1942. On further enquiry as to what further motions he proposed to make with regard to the bill, Mr. Mohammed Saif has expressed his intention to move for consideration of the bill & also to move that the bill be passed at the <sup>the Budget</sup> session.

Submitted for information.

DM

19.6.42

42 The motion for leave to introduce

the bill has been included in the Agenda. orders of the President are awaited in regard to the subsequent motions.

43 In case the motion to take the bill into consideration is permitted, it is submitted that under S.O. 31 (2) (a) an amendment may have to be moved for circulating the bill for the purpose of eliciting public opinion, (in case it is not considered expedient to open the motion on the ground that copies of the bill have not been made available (to 30 houses) and that the bill has not also been published under rule 37)

U.D. II (interjected)  
6<sup>th</sup> June, 1942)

Non-Official Bill - Cutchi Memon Bill

1253/3320

File No.:

of 1941-42

General and Revenue  
Secretariat.

Serial  
No.

When the judges of the High Court were consulted  
about a similar measure (Heg 2), they were  
of opinion that legislation may be undertaken  
if all the members of the Council were  
in favour of it. The Bill proposes to change  
the entire personal law applicable to Cutchi  
Memons. It appears desirable that the  
members of the Council should have an  
opportunity of expressing their views on  
the Bill.

Secy  
(Ld) (Hd) 19.6.42

Boxer

19.6.42

by

20.6.42

Law Secy

45) This bill has not been published in the  
Gazette. After it is introduced in the Council it  
will be published under rule 37 of the L.C. Rules.  
A copy of this bill has been recently circulated  
to the members of the L.C. The Speaker of the  
Bill has given notice of a motion for  
referring the Bill to a Select Committee  
we may watch the discussion.

46) Law Minister

Am  
47

by

5.7.42

47) The bill Cutchi Memon bill was introduced by Mr. Mohamed Abba Ditt in the session of the L.C. on 6th July 1942. This motion to refer the bill to the select Committee on 7th July had also the approval of the Chamber. Rule 37 of the Legislative rules, states that as soon as a bill may be after a bill has been introduced, the bill unless it has already been ~~introduced~~ published, shall be published in the gazette. This bill has not been previously published under rule 36. A draft notification under rule 37 publishing the bill is put up for

apptd

Don

8.7.42

BDR

48) Publication under rule 37 has to be under order of the Secretary Legislative Council, as the Bill has been introduced and is now within the jurisdiction of the Council. It appears that it is only in cases governed by rule 36 that the publication is ordered by the Govt since the publication under this rule is in the nature of a special power vested in the Dewan and results in a variation of the normal procedure for a Bill.

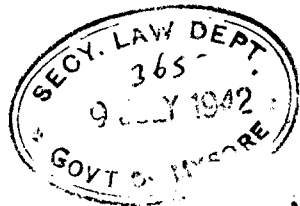
Don  
8.7.42

Secy  
(L.C.)

49) I agree. Action is being taken separately in the L.C. office to have the Bill published under Rule 37 of the Mysore Legislative Rules.

BDR  
8.7.42

Law Secy



M. V.

CMS  
9-7-42

BDR  
10-7-42

Non-official bill - Cutchi Memon Bill

128/12 ✓ 57/11/42-43

General and Revenue  
Secretariat

File No.

of 1941-42 [App. F. III-2]

OFFICE OF THE  
MINISTER FOR LAW

AUG 10 1942

No. 1427

Serial  
No.

50) The Cutchi Memon Bill sponsored by Mr. Mahomed Abba Sait has been published in English and Kannada copies of the gazette, dated 23rd July 1942 (printed copy is put up for perusal). The motion to refer the bill to the Select Committee was carried in the Chamber on 7th July

1. Minister for Law
  2. Khan Bahadur Mahomed Abbas Khan
  3. Mr. T. Mariappa
  4. Dr. T. C. M. Royan
  5. Mr. Mahomed Abba Sait
  6. The Advocate General
  7. Law Secretary.
- 1942 and the marginally noted persons are the members who constitute the said committee. Standing Order 34(1) of the L.C. Standing Orders states that after publication in the gazette of a bill as required by rules the Select Committee to which a bill has been referred shall make a report thereon. Sub-order (2) of the same S.O. states that such report shall be made not sooner than 3 months from the date of the first publication of the bill in the gazette unless the Council orders the report to be made sooner. The next session of the L.C. may probably commence from the middle of December and the bill has been published on the 23rd July. The meeting of the Select Committee will, if approved, be summoned in the last week of September, (22nd Monday) 1942 and the report presented to the L.C. in December which will be well within the restrictions imposed under Standing Order 34(2) of the L.C. Standing Orders.

Submitted for orders.

10.8.42  
10/8

51) The meeting may perhaps be held in the last week of September

10.8.42

NOTE—Contn. Sheet.

M.S.

WD 04155-GPB-55,000-23-10-41

52) Law Minister  
21.8.42

11.8.42

# Cutchi Memon Bill

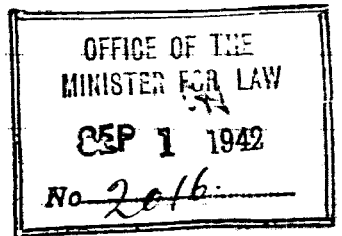
57  
R

File No.

of 194-42

General and Revenue  
Secretariat.

Serial  
No.



53) It has been ordered that the meeting of the select Committee on to consider the Cutchi Memon bill may be fixed up for Monday the 21<sup>st</sup> of Sept, 1942. If approved summons to the members ~~of the~~ Com to attend the Comtee will be issued during 1<sup>st</sup> week Sept.

Don  
12.8.42  
BOM  
12/8

56) yes. BKR  
12.8.42

55) The meeting of the select Committee on the Cutchi Memon bill has been fixed at 9 A.M. on Monday the 21<sup>st</sup> Sept, 1942, at the Chambers of the Law Minister  
G.M. Subd for Consideration  
Refce. - Minute of the Law Minister in Para 52 of the notes supra.

Don  
1.9.42  
BOM  
1.9.42

Don  
1.9.42

Scap  
RA-the

56 For perusal before issue

BKR  
1.9.42

57 Law Minister)

BOM  
1/9

28th  
BKR  
1.9.42

Issued no RL 225-30 dated 2.9.42

# Cutchi Memos Bill.

General and Revenue  
Secretariat  
R. A. & L. C.

File No.

of 194

[App. F. III-2]

Serial  
No.

59)

The Select Committee on the Cutchi Memos Bill met at the Chambers of the Law Minister on 21.9.1942 & the Proceedings of the Committee ~~is~~ are put up for perusal. The report of the Committee & the Amended Bill were sent to the President, Legislative Council, who ~~has~~ directed in a separate file that the same may be published in the Gazette & Copies of the same sent to the members of the L.C. & Accordingly

also 26.11.42

Printed Copies were ~~for printed~~ sent to the members on 26.11.1942 along with the agenda. Mr. Mr. Abba Saik has

given notice of the following motions for being moved at the ensuing session of the L.C. Commencing from 7<sup>th</sup> Dec, 1942

1) To Present the report of the Select Committee on the Cutchi Memos Bill

2) to move that the Bill as amended by the Select Committee be taken into consideration

3) to move that the Bill be passed  
The President, ~~of~~ has directed that the above motions may be included in the list of business of the L.C.

According to the Programme of business, Mr. Mr. Saik will present the report of the Select Committee on the Bill

NOTE-Contn. Sheet

on 7<sup>th</sup> Dec.

on 12<sup>th</sup> Dec.

the separately put up)

it was published in the Gazette

# Cutchi Memon Bill

File No.

126 57 42-43

1941-42

General and Revenue  
Secretariat  
R. A. & L. C.

Serial  
No.

either on the 7<sup>th</sup> or 8<sup>th</sup> Decr, 1942, & the two subsequent consecutive motions will be moved on 12<sup>th</sup> Decr, which is the day allotted for non-official business

Subd for perusal

DSR  
5.12.42

BRR  
5.12.42

5.12.42

Law Minister  
Through

6/12/42

BRR

6/12/42

BRR  
7.12.42



M.V.D.S.

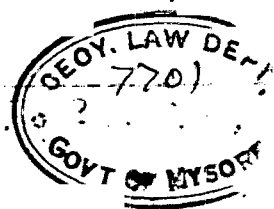
The report of the Select Committee on the Cutchi Memon Bill was presented to the Legislative Council, at its recent session held in Decr, 1942, & the Bill was taken up for consideration & finally passed at a meeting of the Council held on 14<sup>th</sup> December, 1942. A copy of the Bill, as passed by the Legislative Council, & signed by the President in accordance with S.O. 44 of the L.C. standing orders, is put up for perusal. The Bill has now to be promulgated into law.

6/12/42 is subd for consideration

DSR  
22.12.42

BRR  
23.12.42

Law Secy



Serial  
No.

Signed final NRC  
placed in file.

24-12-42

OFFICE OF THE  
MINISTER FOR LAW

DEC 23 1942

No. 5635

4925<sup>2</sup>

D. F. V. Subm. Recd.

Cus

23-12-42

Mark Law

Box

23-12-42

10/12

28/12

S. V. Submitted

Cus

24-12-42

Dewan

Box

26-12-42

Final Note by the Minister for Law.

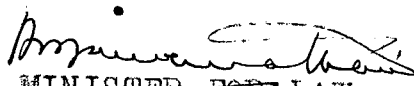
Subject.—

The Cutchi Memon Bill.  
(Non-official Bill.)

His Highness was graciously pleased, on 8th September 1941, to grant permission for placing the Cutchi Memon Bill (non-official Bill) before the Representative Assembly. The statement of general principles of the Bill, drafted for the purpose, was accordingly placed for consideration at the Dasar Session of the Assembly, 1941 and approved by the Chamber unanimously. The Bill was introduced and also referred to the Select Committee at the Budget Session of the Legislative Council held in June, 1942. The report of the Select Committee was presented at the recent session of the Legislative Council held in December, 1942, and the Bill was finally passed by the Chamber in the same session on 14th December 1942. A copy of the Bill as passed by the Council and signed by the President under the provisions of Standing Order 44 of the Legislative Council Standing Orders, is also submitted herewith.

I now solicit the gracious sanction of His Highness to promulgate the Bill into Law.

Bangalore,  
24th December 1942.

  
MINISTER FOR LAW.

Flag 'I'  
Para 53 of notes

*Submitted to His Highness.*

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of "The Cutchi Memon Bill", for His Highness's gracious approval.

*A Madan Das*

DEWAN.

Bangalore,

28th December 1942.

Record of Cases submitted for the Orders of  
His Highness the Maharaja.



Subject.

Promulgation into law of "The Cutchi  
Memon Bill".

Order.

*[Signature]*  
31/12/42

no. 465

Ms  
2/1

Chief Secy  
1/1/43

C 5-98

SUBJECT:—

Promulgation into law of "The Cutchi  
Memon Bill"

(\*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (Vide Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (\*)

*M. S. L. S.*  
Chief Secretary to Government.

Through the Secretary to Government,

Law Department.

*Ca*  
2-1-43

Minister for Finance and Revenue.

*File 8-1*

Minister for Law.

*2/1*

Minister for Education.

*3.1.43*

Minister for Local Self-Govt. and Public Health.

*H.C.*  
6.1.43

Law Sec w/c

*ls*  
*2/1*

WD 0718—GPB—1,000—11-9-42

*Ca*  
*2-1-43*  
*2-1-43*

5357  
7.1.43

5810  
2.1.43

3203  
4.1.43

5179  
6/1/43

OFFICE OF THE SECRETARY  
REPRESENTATIVE ASSEMBLY  
AND  
LEGISLATIVE COUNCIL  
9 JAN. 1943

# The Butchi Memon Act, 1943

General and Revenue  
Secretariat  
R. A. & L. C.

57/M.

File No.

of 194

[App. F. III-2]

Serial  
No.

On 31-12-42 the grace & assent of His  
Highness has been accorded to promulgate  
the Bill into law

Draft G. 6. directing its publication  
as Act No I of 1943 is submitted herewith

24  
12/1/43  
BWN  
12/1

Secy  
At the  
12.1.43

BKR  
12.1.43

Law Secy

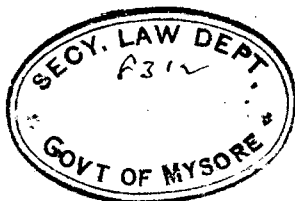
13-1-43

Done  
BKR  
13.1.43

To,

The compiler Mysore Gazette  
No. 720 Regis 42-42-1 dated 15-1-43  
directing publication of the Act in part II of  
the Gazette  
The Act has been published in part II of  
the Gazette dated 21-1-43

The Spelling of the word  
"Mohammadan" is as  
given by the member who  
introduced the Bill.  
In the British Indian Act  
it is spelt as "Muhammadan"  
12.1.43



A  
24  
28-1-43

The Legislative Council  
Budget Session, 1941.

for  
4788  
P

Resolution No. 22.

This Council recommends to the Government of His Highness the Maharaja the desirability of amending the Muhammedan Law as applied in Mysore with a view to bring Cutoht Memous within the purview of Muhammedan Law as in British India.

Mover:- Mr. Mahomed Satt (Mysore cum Mandya cum Hassan, Muhammedan)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

*Campbell*  
Dated *Bangalore*, .....13<sup>th</sup> June.....1941

*Camp*  
/ No. P 61 / 164-402  
Sue 1

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,  
Law Department.

To

The Registrar,  
High Court of Mysore,  
Bangalore.

Sir,

I am directed to forward herewith a copy of a resolution brought up for discussion during the Session of the Legislative Council in June 1941 and to request that ~~the~~ Government may be furnished with the opinion of the High Court in the matter at a very early date.

I have the honor to be,

Sir,

Your most obedient servant,

*h*

Secretary to Government,  
*Law* Law Department.

Subject - Resolution No. 22 re- desirability of amending the Mahomedan Law as applied in Mysore with a view to bring Cutchi Memons within the purview of Mahomedan Law.

Mover - Mr. Mahomed Sait.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This resolution wants that the  
Mahomedan Law should be  
amended in certain respects.  
This will be transposed, if approved  
to the Law Section.

Sum  
5/6/41

yes Boxer  
5.6.41

Law

It is for orders as to whether  
the discuss . . . on this subject  
may be watched.

Kull  
7/6

The opinion given  
High Court may be  
obtained on this subject.

Secretary) 3  
15

Then  
11/6/41

1/16/41

8802  
w/c

A draft and fair of a letter to  
the High Court is put up for approval.

Kull  
13/6

12 2

14/6

P. 41 dated 13<sup>th</sup> June 1941 issued to the Registrar High  
Court of Mysore.

It is submitted that no reply from the  
High Court of Mysore has been received in the matter  
WD-05636-GPB-36,000-20-3-40

N.B.—Should routine notes be written on small slips,  
the notes must be copied, or slips pasted on this form.

as yet. Submitted for orders. A reminder may be  
Sum 24/6. Sent 1/16/41

A draft & fair of reminder is put up 24/6/41  
25/6. P. 6555 issued on 25/6 to the Registrar High Court.

69885

37

37/41

HIGH COURT  
OF MYSORE,  
BANGALORE.

Dated 28th June 1941.

R.O.C.No.1475/40-41.

Hm  
2  
30/6

From

h  
30/6

T. Shamiengar, Esq., B.A., B.L.,  
Registrar, High Court of Mysore,  
B A N G A L O R E.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,  
Secretary to the Government of Mysore,  
Law Department, BANGALORE.

Sir,

With reference to your letter No.Camp 41,  
dated 13 June 1941, forwarding for opinion of the High  
Court a copy of a Resolution urging the amendment of  
the Muhamedan Law in regard to Cutchi Memons, I am  
directed to state that the matter is under the consi-  
deration of the Judges and that a final reply will be  
sent in a few days.

submitted for order.

The question will lapse  
this time. Anyway, the  
final reply will be awaited  
from the High Court, or further  
reference GRA/-  
pjt

Law Secretary)

3  
3/7/

Hm  
2  
4/7/41.

I have the honour to be,  
Sir,  
Your most obedient servant,

T. Shamiengar  
REGISTRAR.

25  
2/7

201341  
7/24/41

|                 |
|-----------------|
| R.O.C. No. 6    |
| D. Dis. 1 41-42 |

HIGH COURT OF MYSORE,

Public Office Buildings, Cubbon Park,

Bangalore, 9th July 1941.....1941

Enc: one

164-403

Ch



T. SHAMIENGAR, Esq., B.A., B.L.,

Registrar, High Court of Mysore.

To

3  
10/7/41

H.V. Narayana Rao, Esq., B.A., LL.B.,  
Secretary to the Government of Mysore,  
Law Department, BANGALORE.

SIR,

With reference to your letter P.41, dated 13 June 1941,  
forwarding for the opinion of the High Court a copy of the Resolution  
urging the desirability of amending the Muhammadan Law as applicable  
to Mysore with a view to bring Cutchi Memons within its purview,  
I am directed to enclose copies of the Minutes of the High Court  
Judges on the subject.

The copies of the Minutes of the  
Judges of the High Court flagged 'A' is  
sent up for perusal. They are of opinion  
that this is a matter for the Cutchi Memons  
themselves to decide for themselves.

It is submitted that a Private  
Bill in this behalf has been brought up  
for discussion at the ensuing Sessions  
of the R. A. by Mr. Mahomed Saif of Mysore and has been referred to Law Section  
for opinion, regarding the need & expediency of the measure.

GRAY - 10/8  
6/8  
mm

This file will therefore be closed.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar  
REGISTRAR.  
SK

MINUTES OF THE JUDGES.

THE CHIEF JUSTICE:- I think this<sup>is</sup> a matter for the Cutchi Memons of Mysore to decide for themselves either as a body or individually. It appears to me undesirable and indeed improper that other Muhammadans or Hindus should by the machinery of the Legislature force on Cutchi Memons in the State such a change, if they do not desire it.

MR. JUSTICE ABDUL GHANI:- I agree with the views of the learned Chief Justice. It is for the community to decide. It turns out, however, that the mover of the resolution is a Cutchi Memon and if he has the backing of the other Cutchi Memons in the State (their number is very small), the question of undertaking legislation may be favourably considered.

MR. JUSTICE NAGESVARA IYER:- If the Cutchi Memons in the State are anxious to have the law altered they may make a proper representation to the Government.

MR. JUSTICE SINGARAVELU MUDALIAR:- I agree with the Chief Justice.

MR. JUSTICE VENKATARAMA IYENGAR:- I agree with the Chief Justice.

MR. JUSTICE SUBRAHMANYA AIYAR:- I agree with the Chief Justice. If the Community desires, they

can.

2.

*Legislative Council*  
can bring up a private Bill, in the ~~F.C.~~  
through their representative..

-----

" Copy "

*J. Hamilton*  
REGISTRAR.  
SK.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. *p6555.*

Dated, Bangalore, *25<sup>th</sup>* ~~June 1941.~~

From

*The Secretary to the Government of His Highness  
the Maharaja of Mysore,  
Law Department.*

To

The Registrar,

High Court of Mysore,

Sir,

I am directed to invite reference to this office letter No.(Camp)41 dated 13th June 1941 and to request that the opinion of the High Court in the matter under reference may kindly be furnished very early.

I have the honour to be,

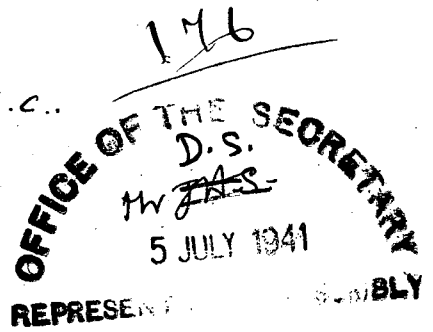
Sir,

Your most obedient servant,

*For* Secretary to Government,  
*Kumar* Law Department.

(TN-2)

MOHAMED ABBA SAIT, M.L.C..



TO  
The Secretary *to Government*  
~~Legislative Council~~, *Law Department*  
Bangalore.

Sir,

I have the honour to forward herewith draft of a bill called Cutchi Memon Act of 1941 and to request that you will be good enough to obtain the approval of the Dewan for the same and to request that Government may be pleased to place it before the next session of the Representative Assembly and proceed with it in accordance with rules.

I remain,  
Sir,

Yours faithfully.

A. Mohamed Sait

*Camp*  
*Bangalore*  
*4/7/41.*

*RL*  
*Hm*  
*2*  
*4/7/41.*  
*Nov 6/7*

MOHAMED ABBA SAIT, M.L.C.

and Statement of Principles of  
The Cutchi Memon Bill

The Law of inheritance of the Cutchi Memons was until the year 1938 being governed in British India by Cutchi Memons Act of 1920, which in effect, followed the principles of Hindu Law. But in the year 1938 the Act was repealed and replaced by Act X of 1938 (Cutchi Memons Act) enjoining therein that all matters of succession and inheritance shall be governed by the Mohammadan Law. This has given satisfaction to all the Members of that community all over India.

But in Mysore, the Law remains unsettled and it is necessary to bring it in conformity with the Law in British India as laid down in act X of 1938.

It is the wish of the Members of this Community who are born and domiciled in the Mysore State, that the Mohammadan Law must be applied in these cases. In order to give effect to this desire and to bring the Law in conformity with the Law in British India, the present Bill is drafted. It may be stated here that it is exactly the copy of the Law in British India i.e. Act NO. X of 1938 Cutchi Memon Act.

A. Mohammed Sahi

4/7/41.

A Bill  
~~An act~~ to provide that all Cutchi Memons shall be governed in matter of succession and inheritance by Mohammadan Law.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammadan Law, it is hereby enacted as follows:-

SHORT TITLE AND COMMENCEMENT.

- (1) This act may be called Cutchi Memon Act ~~1938~~. 1941
- (2) It shall come into force on the 1st day of ~~Nov. 38~~.

CUTCHI MEMONS TO BE GOVERNED IN CERTAIN MATTERS  
BY MOHAMMADAN LAW.

2. Subject to the provisions of section 3, all cutchi Memons shall, in matters of succession and inheritance be governed by the Mohammadan Law.

S A V I N G S.

3. Nothing in this act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability: and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

~~REPEAL.~~

4. ~~The Cutchi Memon Act 1920, is hereby repealed.~~

A. Mohamed Sah

4/7/41.

Statement of Principles of the Cutchi Memon Bill.

-----

The law of inheritance of the Cutchi Memons Cos. until the year 1938 being governed in British India by Cutchi Memons Act of 1920, which in effect, followed the principals of Hindu Law. But in the year 1938 the Act was repealed and replaced by Act X of 1938 (Cutchi Memons Act) enjoining therein that all matters of succession and inheritance shall be governed by the Mohammadan Law. This has given satisfaction to all the Members of that ~~Muslim~~ community all over India.

But in Mysore, the Law remains unsettled and it is necessary to bring it in conformity with the Law in British India as laid down in Act X of 1938.

It is the wish of the Members of this community who are born and domiciled in the Mysore State, that the Mohamadan Law must be applied in these cases. In order to give effect to this desire and to bring the Law in conformity with the Law in British India, the present Bill is drafted. It may be stated here that it is exactly the copy of the Law in British India, i.e., Act No.X of 1938 Cutchi Memon Act.

## CUTCHI MEMON BILL

A Bill to provide that all Cutchi Memons shall be governed in matter of succession and inheritance by Mohammadan Law.

It is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammeden Law; it is hereby enacted as follows:-

### SHORT TITLE AND COMMENCEMENT.

1. (1) This act may be called Cutchi Memon Act 1941
- 2) It shall come into force on the 1st day

### CUTCHI MEMONS TO BE GOVERNED IN CERTAIN MATTERS BY MOHAMMADAN LAW.

2. Subject to the provisions of section 3, all cutchi Memons shall, in matters of succession and inheritance be governed by the Mohammadan Law.

3.

### SAVINGS.

3. Nothing in this act shall <sup>affect</sup> any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

No. R.L. 815

24th October 1941.

A. Mahomed Abba Sait, Esq.,  
Member,  
Legislative Council,  
M y s o r e.

Sir,

With reference to your letter of the 4th July 1941 forwarding draft of the Cutchi Memon Bill for obtaining the approval of the Dewan and for placing it thereafter before the Representative Assembly, I am directed to state that the general principles of the Bill were placed before the Assembly during its recent session and have been approved by that House.

I have the honour to be,  
Sir,  
Your most obedient servant,

*Ans*  
24.10.41

for Secretary to Government,  
Law Department.

SRR

No. R: 815 dated 24-10-41.

A. Mahomed Abba Sait Esq.,  
Member, Legislative Council,  
Mysore.

Sir,

With reference to your letter of the 4th July 1941 forwarding draft of the Cutchi Memon Bill for obtaining the approval of the Dewan and for placing it thereafter before the Representative Assembly, I am directed to state that the general principles of the Bill were placed before the Assembly during its recent session and <sup>have been</sup> approved by that House.

I have the honour, etc.,

*Hm*  
*22/10/41*  
*For* For Secretary to Government,  
Law Department.

MOHAMED ABBA SAIT

1485  
OFFICE OF THE SECRETARY  
Mr A.S.  
13 NOV. 1941  
REPRESENTATIVE ASSEMBLY  
AND  
LEGISLATIVE COUNCIL

To



The Law Secretary to the Government of Mysore,  
Bangalore.

Dear Sir, 13-11-41

My Cutchi Memon Bill has been approved by the Representative Assembly in its Dasara Session of 1941.

I request you to move the Government to place the same on the table of the Legislative Council as I intend giving notice of my intention to move for leave to introduce the bill in ensuing Legislative Council Session.

Thanking you.

Yours Faithfully,

Mohamed Sait  
12/11/41

Mysore,  
Dated 12-11-41.

Laid on the Table  
by the Law Secretary

*MR*  
15-12-41

## THE LEGISLATIVE COUNCIL.

December 1941.

---

### The Cutchi Memon Bill.

MR. MOHAMED ABBA SAIT,

*Member, Legislative Council.*

(To be laid on the table on Monday, the 15th December 1941.)

### STATEMENT OF OBJECTS AND REASONS OF THE CUTCHI MEMON BILL.

The law of inheritance of the Cutchi Memons until the year 1938 was being governed in British India by the Cutchi Memons Act of 1920 which, in effect, followed the principles of Hindu Law. But in the year 1938 the Act was repealed and replaced by Act X of 1938 (Cutchi Memons Act), enjoining therein that all matters of succession and inheritance shall be governed by the Mohammadan Law. This has given satisfaction to all the members of that community all over India.

But in Mysore, the law remains unsettled and it is necessary to bring it in conformity with the law in British India as laid down in Act X of 1938.

It is the wish of the members of this community who are born and domiciled in the Mysore State, that the Mohammadan Law must be applied in these cases. In order to give effect to this desire and to bring the law in conformity with the law in British India, the present Bill is drafted. It may be stated here that it is exactly the copy of the law in British India, *i.e.*, Act No. X of 1938, the Cutchi Memon Act.

## Cutchi Memon Bill.

"A BILL TO PROVIDE THAT ALL CUTCHI MEMONS SHALL BE GOVERNED IN MATTERS OF SUCCESSION AND INHERITANCE BY MOHAMMADAN LAW.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammadan Law; it is hereby enacted as follows :—

1. (1) This Act may be called the Cutchi Memon Act, 194 .

(2) It shall come into force on the first day of.....

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohammadan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

Short title  
and  
commence-  
ment.

Cutchi  
Memons to be  
governed in  
certain  
matters by  
Moham-  
madan Law

Savings.

8th M a y 1942.

No. R. L. 2411.

Mohamed Abba Sait, Esq.,  
Member, Legislative Council,  
Mysore.

I am directed to state that under the provisions of rule 35(1) of the Mysore Legislative Rules, Government have laid the Cutchi Memon Bill, brought forward by you, on the table of the Legislative Council, at its December session, on 15-12-1941.

I have the honour to be,  
Sir,  
Your most obedient servant,

*30/5/42*  
for Secretary to Government,  
Law Department.

*Shor*

SUBJECT \_\_\_\_\_

Section L. C.

File No.

Serial No.

No. R. L. 2411.

To

Diary No. of letter replied to \_\_\_\_\_

General and Revenue Secretariat  
R. A. & L. C.

Mohamed Aoba Saib Esq  
Member, Legislative Council  
Mysore.

Sir,

Date of issue 8.5.42.

Signed by Mr. G. S. V. Iyer.

I am directed to inform you  
that under the provisions of  
Rule 35(1) of the Mysore Legislative  
Rules, Govt. have laid the Cutchi  
Memorandum before you on the  
table of the Legislative Council at its  
Decr. Session, 1941 on 15.12.1941,  
and that you may accordingly give notice of your intention to move the motion  
asking leave to introduce the Bill at the  
evening Bridge Session of L.C. under  
Sub-Rule (2) of Rule 35 of the Legislative Rules.

List of enclosures \_\_\_\_\_

Copied by \_\_\_\_\_

Examined by \_\_\_\_\_

I have etc.

Secy to Government

Rev.

8/5/42

Law Dept

Letter dated 3rd June 1942 from <sup>Md.</sup> ~~the~~ Mr. Abba Sait, Member, Legislative Council, to the Secretary Legislative Council, Bangalore.

-----

I intend moving for leave to introduce "Kutchi Memon Bill" which had been ordered to be placed on the table during the last session.

Thanking you.

-----

Copy"

3370

Letter from Mr. Mohamed Abba Sait, Member,  
Legislative Council, dated, 16th June 1942, to the  
the Secretary, Legislative Council, Bangalore.

---

With reference to your letter No.7356.L.C.  
dated the 10th instant, I desire to state that I  
require permission to move "The Cutchi Menon Bill"  
for consideration by the House and further to make  
a motion that the Bill passed in this session  
itself.

Thanking you,

----

"Copy"

Published in the Gazette  
dated 23<sup>rd</sup> July, 1942

## NOTIFICATION.

No. 148—L. C., dated Bangalore,  
the 22nd July 1942.

In pursuance of Rule 37 of the Mysore Legislative Rules, 1941, the Cutchi Memon Bill which was introduced in the Legislative Council on the 6th July 1942, is hereby published for general information.

By Order,

B. K. RAMAKRISHNAIYA,  
Secretary,  
Legislative Council.

(As introduced in the Legislative Council on the  
sixth day of July 1942.)

## A BILL

to provide for application of Mohammadan Law to  
matters of succession and inheritance of Cutchi Memons.

Whereas it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammadan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memon Act, 194

Shot title  
and  
commence-  
ment.

(2) It shall come into force on the first day  
of.....

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohammadan Law.

Cutchi  
Memons to be  
governed in  
certain  
matters by  
Moham-  
madan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such

Savings.

right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

### STATEMENT OF OBJECTS AND REASONS.

The law of inheritance of the Cutchi Memons until the year 1938 was being governed in British India by the Cutchi Memons Act of 1920 which, in effect, followed the principles of Hindu Law. But in the year 1938, the Act was repealed and replaced by Act X of 1938 (Cutchi Memons Act), enjoining therein that all matters of succession and inheritance shall be governed by the Mohamadan Law. This has given satisfaction to all the members of that community all over India.

But in Mysore, the law remains unsettled and it is necessary to bring it in conformity with the law in British India as laid down in Act X of 1938.

It is the wish of the members of this community who are born and domiciled in the Mysore State, that the Mohamadan Law must be applied in these cases. In order to give effect to this desire and to bring the law in conformity with the law in British India, the present Bill is drafted. It may be stated here that it is exactly the copy of the law in British India, *i.e.*, Act No. X of 1938, the Cutchi Memon Act.

MOHAMED ABBA SAIT,  
*Member, Legislative Council.*

SUBJECT \_\_\_\_\_

Section

File No.

Serial No.

Diary No. of letter replied to \_\_\_\_\_

No. R.L 225-30.

To

Official Memorandum.

General and Revenue Secretariat  
R. A. & L. C.

( )

Date of issue 2-9-42.

A meeting of the Select Committee to consider the Cutchi Memo on will be held at 9 A.M. on Monday the 21<sup>st</sup> of Sept. 1942, in the Chambers of the Minister for Law, old Public offices, Bangalore.

Signed by Mr. B. K. R.

B. O.

BKR

Secretary to the Committee:  
BKR  
1/9  
BKR  
1/9

Copy to

1) (Khan Bhadur, Shafikhul-Mulk) Mr. Abbas Khan, Member Legislative Council.

2) Mr. Mariafosa BKR

3) Dr. J. C. M. Ryan. H.R.

List of enclosures

4) Mr. Mohammad Abbas Sahi

5) The Advocate

Copied by

6) The Law Secretary

Examined by

## NOTIFICATION.

No. 148—L. C., dated Bangalore,  
the 22nd July 1942.

In pursuance of Rule 37 of the Mysore Legislative Rules, 1941, the Cutchi Memon Bill which was introduced in the Legislative Council on the 6th July 1942, is hereby published for general information.

By Order,  
B. K. RAMAKRISHNAIYA,  
Secretary,  
Legislative Council.

(As introduced in the Legislative Council on the  
th day of July 1942.)

### A BILL

to provide for application of Mohammadan Law to matters of succession and inheritance of Cutchi Memons.

Whereas it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohammadan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memon Act, 194  
(2) It shall come into force on the first day of.....

Shot title and commencement.
2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohammadan Law.

Cutchi Memons to be governed in certain matters by Mohammadan Law.
3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such

Savings.

right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

## STATEMENT OF OBJECTS AND REASONS.

The law of inheritance of the Cutchi Memons until the year 1938 was being governed in British India by the Cutchi Memons Act of 1920 which, in effect, followed the principles of Hindu Law. But in the year 1938, the Act was repealed and replaced by Act X of 1938 (Cutchi Memons Act), enjoining therein that all matters of succession and inheritance shall be governed by the Moham-madan Law. This has given satisfaction to all the members of that community all over India.

But in Mysore, the law remains unsettled and it is necessary to bring it in conformity with the law in British India as laid down in Act X of 1938.

It is the wish of the members of this community who are born and domiciled in the Mysore State, that the Moham-madan Law must be applied in these cases. In order to give effect to this desire and to bring the law in conformity with the law in British India, the present Bill is drafted. It may be stated here that it is exactly the copy of the law in British India, *i.e.*, Act No. X of 1938, the Cutchi Memon Act.

MOHAMED ABBA SAIT,  
*Member, Legislative Council.*

XXXXXX

No. R.L. 225-30.

2<sup>nd</sup> September, '42.

-: Official Memorandum :-

A meeting of the Select Committee to consider the Cutchi Memon Bill will be held at 9 A.M. on Monday the 21st of September 1942, in the chambers of the Minister for Law, Old Public Offices, Bangalore.

By Order,



Secretary to the Committee.



To:- Messrs.

- 1) Shafik-ul-Mulk, Khan Bahadur Md. Abbas Khan,
- 2) T. Mariappa, Mysore,
- 3) Dr. T.C.M. Royan, Bangalore,
- 4) Mohamed Abba Sait, Mysore,
- 5) Mirle N. Lakshminaranappa, Bangalore,
- 6) C. Narayanaswami Naidu, Bangalore.

PR.8.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary,  
Representative Assembly and Legislative Council,

~~Private~~

R.L. 225. 30.

Dated Bangalore, 2<sup>nd</sup> September, 1942.

-: OFFICIAL MEMORANDUM :-

A meeting of the Select Committee, to consider the Cutchi Memon Bill, will be held at 9 A.M. on Monday the 21st September 1942, in the Chambers of the Minister for Law, Old Public Offices, Bangalore.

By Order,

B. Ramakrishnaiah

Secretary to the Committee.

Don

Proceedings of the Select Committee meeting  
held in the Chambers of the Minister for Law, on  
Monday the 21st September 1942<sup>at 9 A.M.</sup> to consider the  
CUTCHI MEMON BILL.

---

PRESENT:-

Rajamantrapravina  
A. V. Ramanathan, B.A.,  
Minister for Law (Chairman).

|                                                                                          |   |          |
|------------------------------------------------------------------------------------------|---|----------|
| Shafikh-ul-Mulk                                                                          | } | Members. |
| Khan Bahadur Mohamed Abbas Khan                                                          |   |          |
| Dr. T. C. M. Royan, M.D.                                                                 |   |          |
| Mohamed Abba Sait (MOVER)                                                                |   |          |
| Mirle N. Lakshminaranappa, Esq., B.A.,<br>LL.B., Advocate-General                        |   |          |
| C. Narayanaswamy Naidu, Esq., B.A.,<br>B.L., Secretary to Government,<br>Law Department. |   |          |

ABSENT:--

T. Mariappa, Esq., B.A., LL.B.

The CHAIRMAN explained the provisions contained  
in the Cutchi Memon Act of 1920 as distinguished from  
those contained in the Act of 1938 and stated that  
the present Bill which Mr. Mohamed Abba Sait moved  
~~for leave to introduce~~ <sup>has</sup> ~~was~~ <sup>in the Legislative Council</sup> intended to provide for  
application of Mahomedan Law to matters of succession  
and inheritance <sup>to</sup> ~~of~~ Cutchi Memons, <sup>residing in Mysore State.</sup> He invited dis-  
cussion on the Bill ~~which~~ which had been referred to  
them for consideration.

Mr. Mohamed Abbas Khan while opining that the  
Bill as placed on the Table by Mr. Abba Sait was a  
~~carefully worded and~~ <sup>and</sup> comprehensive one, thought that  
a clause relating to the definition of the term  
"Cutchi Memons" might be included in the Bill as the

as the Cutchi Memons <sup>Composed</sup> ~~composing~~ as they were of different sub-sects formed a separate community among Mohamedans belonging to Cutchi State.

The CHAIRMAN pointed out that there was such a provision in the Act of 1920, that the same had been omitted in the Act of 1938 and that in his opinion a definition clause might not be necessary in the case of the present Bill. He added that in case a dispute arose as to the bona fides of the parties, they would have to decide the same in a Court of Law.

Mr. ABBAS KHAN next suggested that as regards Clause (2) of Section 1 of the Bill, the Act might come into force from the 1st day of July 1943 so that sufficient notice might be had of the same for all concerned.

The other members of the Committed also agreed to this proposal.

The Committee therefore resolved that the Act do come into force from the 1st day of July 194<sup>3</sup>~~2~~ and that Clause (2) of Section 1 be amended accordingly.

The CHAIRMAN then explained the scope of Section 3 as being intended to safeguard the rights of those other than Cutchi Memons in respect of their claims against Cutchi Memons.

Excepting the amendment above referred to regarding the date from which the Act should be brought into effect, the COMMITTEE adopted the Bill as a whole with the recommendation that it need not be republished.

The Committee adjourned. <sup>at</sup> ~~it being~~ 10 A.M.

## NOTIFICATION.

*No. Rl. 569, dated Bangalore, the 12th November 1942.*

Under Standing Order 36 of the Legislative Council Standing Orders, the accompanying report of the Select Committee on the Cutchi Memon Bill and the Bill as amended by the Select Committee are hereby published.

By Order,

B. K. RAMAKRISHNAIA

*Secretary,*

*Mysore Legislative Council.*

### **Report of the Select Committee on the Cutchi Memon Bill.**

We, the members of the Select Committee to which the Cutchi Memon Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report:—

We, consider that the provisions of the Bill may be brought into force from the 1st day of July 1943 and we therefore recommend that sub-clause (2) of clause 1 may be amended accordingly.

The Bill was published in the Gazette both in English and Kannada on the 23rd July 1942.

As the Bill has not been altered, we recommend that it need not be republished.

A. V. RAMANATHAN (*Chairman*).

MAHOMED SAIT.

MAHOMMED ABBAS KHAN.

T. C. M. ROYAN.

MIRLE N. LAKSHMINARANAPPA.

## CUTCHI MEMON BILL.

### As Amended by the Select Committee.

(Additions are shown in italics).

Whereas it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohamadan Law ;

It is hereby enacted as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Cutchi Memon Act, 194 .

(2) It shall come into force on the *first day of July 1943*.

Cutchi  
memons to be  
governed in  
certain  
matters by  
Mohamadan  
law.  
Savings.

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohamadan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

B. K. RAMAKRISHNAIYA,

*Secretary,  
Legislative Council.*

## THE CUTCHI MEMON BILL.

*As Passed by the Legislative Council.*

Whereas it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohamadan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memon Act, 194

Short title  
and  
commence-  
ment.

(2) It shall come into force on the *first day of July 1943*.

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohamadan Law.

Cutchi  
memons to b  
governed in  
certain  
matters by  
Mohamadan  
law.  
Savings.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed

*J. H. Chaudhary*

PRESIDENT,  
LEGISLATIVE COUNCIL.

*B. R.*

16.12.42

True copy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE

Order No. <sup>24</sup>720 Legis. 42-42-1. Bangalore 15th January 1943

Ordered that the accompanying Cutchi Memon Act, 1943, which received the assent of His Highness the Maharaja, on the 31st day of December 1942, be published as Act No. I of 1943, in the Mysore Gazette, for general information.

*an*  
Secretary to Government,  
Law Department.  
*W*

To

(1) The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

(1) Copy forwarded to the Translation Sect

ACT NO. I OF 1943.

THE CUTCHI MEMON ACT 1943

(Received the assent of His Highness the Maharaja on the  
31st day of December 1942.)  
-----

Whereas it is expedient that all Cutchi Memons  
be governed in matters of succession and inheritance by  
the Mohammadan Law;

It is hereby enacted as follows:-

1. (1) This Act may be called the Cutchi  
Memon Act, 1943.

Short  
title  
and  
commence-  
ment.

(2) It shall come into force on the first  
day of July 1943.

2. Subject to the provisions of section  
3, all Cutchi Memons shall, in matters of  
succession and inheritance, be governed by Mo-  
hammadan Law.

Cutchi  
Memons  
to be  
governed  
in certain  
matters by  
Mohammada-  
Law

3. Nothing in this Act shall affect any  
right or liability acquired or incurred before  
its commencement, or any legal proceeding or  
remedy in respect of any such right or liability  
and any such proceeding or remedy may be continued  
or enforced as if this Act had not been passed.

Savings

Sd. N. MADHAVA RAO,

D e w a n.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE

Order No. Pr 22 Legi 4242-1

Dated, Bangalore, 12<sup>th</sup> Jan 1943

Ordered that the accompanying Butchi Memm  
Act, 1943

which received the assent of His Highness the Maharaja,  
on the 31<sup>st</sup> day of December  
1942, be published as Act No. I  
of 1943, in the *Mysore Gazette*, for general information.

BRR  
12.1.43  
BRR

cus  
13<sup>th</sup> 1/3  
General Secretary to Government.

Law Department

BRR

To

(1) The Compiler, *Mysore Gazette*, for publication in Part IV  
of the Gazette, in English and Kannada and for supply  
of spare copies in English and Kannada, as per standing  
orders.

(2) Copy to the Translation Section

Act No I. 7.1943

THE CUTCHI MEMON BILL. Act 1943

(Received the assent of His Highness the Maharaja on the 31<sup>st</sup> day of December 1943)  
As Passed by the Legislative Council.

Whereas it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Mohamadan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memon Act, 1943.

(2) It shall come into force on the first day of July 1943.

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohamadan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

Short title and commencement.

Cutchi memons to be governed in certain matters by Mohamadan law.

Savings.

(Sd) N. Madhava Rau  
Deewan

## NOTIFICATION.

*No. Rl. 720—Legis. 42-42-1, dated Bangalore,  
the 15—16th January 1943.*

Ordered that the accompanying Cutchi Memon Act, 1943, which received the assent of His Highness the Maharaja, on the 31st day of December 1942, be published as Act No. I of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,  
*Secretary to Government,  
Law Department.*

ACT No. I 1943.

### **The Cutchi Memon Act, 1943.**

*(Received the assent of His Highness the Maharaja on the  
31st day of December 1942.)*

Whereas it is expedient that all Cutchi Memons be governed, in matters of succession and inheritance, by the Mohammadan Law :

It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memon Act, 1943.

Short title and  
commence-  
ment.

(2) It shall come into force on the first day of July 1943.

2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by Mohammadan Law.

Cutchi  
Memons to be  
governed in  
certain  
matters by  
Mohammadan  
Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability and any such proceeding or remedy may be continued or enforced as if this Act had not been passed.

Savings.

N. MADHAVA RAU,

*Dewan.*

Price 0-0 3.